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**DECISION  
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2019-19) & SITE PLAN APPROVAL  
ELIGIBLE FACILITIES REQUEST**  
**Extend Existing Stealth Monopole Tower & Co-Locate a two-tier Antenna Array  
200 Westboro Road, North Grafton, MA**

**David Walsh, New Cingular Wireless PCS, LLC (applicant)  
Tufts University, Cummings School of Veterinary Medicine (owner / land)  
Crown Castle (owner / existing tower)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of NEW CINGULAR WIRELESS PCS LLC, doing business as AT&T Mobility (hereinafter the APPLICANT, or AT&T) for an Eligible Facilities Request, and a Special Permit & Site Plan Approval to extend an existing ninety-nine foot (99') stealth monopole tower by twenty feet (20'), to a maximum of one hundred and nineteen feet (119') and co-locate a two-tier antenna array, concealed within the extension to the monopole tower, with associated wires and ground equipment, for property located at 200 Westboro Road, North Grafton, MA, and shown as Grafton Assessor's Map 21, Lot 1A, and owned by Tufts University Veterinary School by deed recorded in the Worcester District Registry of Deeds: Book 6578, Page 79. The application was formally received on November 14, 2019.

**I. BACKGROUND**

The above referenced application for an Eligible Facilities Request and Special Permit & Site Plan Approval (hereinafter Application) was received on November 14, 2019. The Planning Board considered the Application at a properly posted meeting of said Board on December 9, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on November 21 and 28, 2019 and posted with the Town Clerk's Office on November 18, 2019. The following Board members were present during the entire public hearing process: Chairman David Robbins, Vice Chairman Robert Hassinger, Clerk Justin Wood, and Members Linda Hassinger and Prabhu Venkataraman. At the hearings, Haleluya Haile, New Cingular Wireless PCS, LLC and Attorney Edward D. Pare, Jr., Esq. of Brown Rudnick, LLP presented the proposal on behalf of the Applicant. Following public input the hearing was closed on February 24, 2019. The record of the proceedings and submissions upon which this Decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

Prior to receiving testimony the Board reviewed the Applicant's request for a waiver from Section 5.8.4.h of the Grafton Zoning By-Law, as stated in EXHIBIT #1 of this Decision, regarding the requirement for submission of a balloon test and funding to engage the services of recording secretary, stenographer, or similar service, to keep a detailed record of the proceedings during the public hearing. After due consideration the Grafton Planning Board (motion by Robert Hassinger, seconded by Justin Wood) voted 5-0 to **DENY** the Applicant's request. The Board noted that the Applicant had conducted the balloon test and provided for the services of the stenographer, prior to the March 9, 2020 meeting, which effectively withdrew the waiver requests.

**II. SUBMITTALS**

The following Exhibits were submitted to the Board for its consideration of this application:

- EXHIBIT 1.** Application Package prepared and submitted by David Walsh, New Cingular Wireless PCS, LLC., received November 8, 2019, including the following components:
- a. Application for Special Permit for Wireless Communications Facility
  - b. Certificate of Good Standing, signed by Treasurer/Collector's Office; dated November 13, 2019; 1 page
  - c. Certified List of Abutters dated November 18, 2019.
  - d. Project Narrative, prepared by Haleluya Haile, New Cingular Wireless PCS, LLC, dated November 10, 2019
- EXHIBIT 2.** Plans titled, "GRAFTON\_WESTBORO RD", prepared by Fullerton Engineering Consultants, 1100 Woodfield Rd #500, Schaumburg, IL 60173, and Smartlink, 1362 Mellon Road, Suite 140, Hanover, MD 21076, dated July 8, 2019, revised through October 8, 2019, in nineteen (19) sheets.
- EXHIBIT 3.** Public Hearing Notice, dated November 18, 2019.
- EXHIBIT 4.** Staff Review of 200 Westboro Road - Cell Tower Extension, dated December 6, 2019
- EXHIBIT 5.** Public Hearing Continuance Request, dated December 9, 2019
- EXHIBIT 6.** Public Hearing Sign-In Sheet, dated December 9, 2019
- EXHIBIT 7.** Report titled, "RF Report, Proposed Wireless Facility," prepared by C Squared Systems, LLC, 65 Dartmouth Drive, Auburn, NH 03032, dated December 24, 2019
- EXHIBIT 8.** Public Hearing Continuance Request, dated January 6, 2020
- EXHIBIT 9.** Balloon Test Public Notice, dated January 14, 2020
- EXHIBIT 10.** Report titled, "Review of Proposed Modification of Wireless Communication Facility at 200 Westboro Road", prepared by Isotrope, LLC, 503 Main Street, Medfield, MA 02052, dated January 15, 2020
- EXHIBIT 11.** Public Hearing Continuance Request, dated January 23, 2020
- EXHIBIT 12.** Public Hearing Continuance Request, dated February 4, 2020
- EXHIBIT 13.** Report titled, "Photographic Simulation Package", prepared by Virtual Site Simulations, LLC, 28 Caswell Street, Suite 100, Narragansett, RI 02882, dated February 4, 2020
- EXHIBIT 14.** Letter from Attorney Edward D. Pare, Jr., Esq. of Brown Rudnick, LLP to Grafton Planning Board, regarding "Supplement to the Proposed Wireless Communication Facility Application – Eligible Facilities Request", dated February 20, 2020, and including the following:
- a. Public Notice regarding "Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012", prepared by Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554, dated January 25, 2013
  - b. Excerpt titled, "Subpart CC – State and Local Review of Applications for Wireless Service Facility Modification", dated January 8, 2015

- c. Letter from Margaret J. Hurley, Assistant Attorney General, to Dorothy A. Powers, Town Clerk, Town of Westwood, MA, regarding “Westwood Special Town Meeting of November 17, 2014 – Case #7455”, dated February 17, 2015
- d. Report titled, “Photographic Simulation Package”, prepared by Virtual Site Simulations, LLC, 28 Caswell Street, Suite 100, Narragansett, RI 02882, dated February 4, 2020, revised February 19, 2020
- e. FCC Licenses, received February 20, 2020
- f. Plans titled, “GRAFTON\_WESTBORO RD”, prepared by Fullerton Engineering Consultants, 1100 Woodfield Rd #500, Schaumburg, IL 60173, and Smartlink, 1362 Mellon Road, Suite 140, Hanover, MD 21076, dated July 8, 2019, revised through January 6, 2020, in nineteen (19) sheets
- g. TOWAIR Determination Results Report, received February 20, 2020
- h. Calculated Radio Frequency Emissions Report, received February 20, 2020
- i. Excerpt, “Zubarau v. City of Palmdale, 192 Cal.App.4<sup>th</sup> 289 (2011)”, received February, 20, 2020

**EXHIBIT 15.** Public Hearing Sign-In Sheet, dated February 24, 2020

**EXHIBIT 16.** Stenographer’s Record, regarding, “Planning Board Hrg. RE: New Cingular”, prepared by Star Gates Curry, McCarthy Reporting Service, dated February 24, 2020

### **III. FINDINGS**

At their meeting of March 9, 2020, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Robert Hassinger, seconded by Justin Wood) voted 5-0 to make the following Findings:

- F1.** That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
- F2.** That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3.** That this Special Permit application is for a wireless communications facility under Sections 1.5, 3.2.3.1 and 5.8 of the Grafton Zoning By-law (hereinafter ZBL), as described in Exhibit #1 and Exhibit#14 of this Decision. The Board further finds that this Application seeks to modify previously issued Special Permits, SP 2001-8 (Sprint Spectrum - applicant) SP 2007-11 (Bell Atlantic Mobile of Mass Corp Ltd. / Verizon Wireless - applicant) SP 2008-10 (Metro PCS - applicant), for the existing wireless communications facility at the Site.
- F4.** That Approval of this Special Permit application will improve AT&T’s ability to provide wireless services in the area of the proposed facility.
- F5.** That this application constitutes an Eligible Facilities Request in accordance with referenced Exhibit#14 of this Decision and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 for the following reasons:

- a. the height increase is not more than 20 feet
  - b. the modification of the facility will not defeat the monopole's original concealment elements
  - c. it involves adding only the standard number of cabinets and;
  - d. requires no new excavation or deployment outside the current site, pursuant to FCC 14-153
- F6.** That the basis of this Eligible Facilities Request pertains to the approved characteristics of the monopole at the effective date of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. Per FCC 14-153 para. 197, approval of this modification would exclude future height increases from classification as Eligible Facilities Requests, because any future height increase would constitute a substantial change as defined by the FCC.
- F7.** That the nature of the concealment is "flagpole-style" and any deviation of the diameter of the existing and proposed antenna concealment "canisters" from the currently approved diameter has the potential to defeat the existing concealment elements pursuant to FCC 14-153, requiring Planning Board review of any proposed changes to the diameter or other characteristics of the approved concealment.
- F8.** That the application seeks no increase in the diameter of the existing concealment and will color the new concealment to match, thereby maintaining the integrity of the concealment.
- F9.** That the application shows that all cables mounted on the exterior of the monopole, below the existing concealment "canisters," will be encased in a new cable shroud colored to match the monopole, thereby maintaining the integrity of the concealment. That the Site is located in an Office & Light Industrial (OLI) zoning district within the Campus Development Overlay district.
- F10.** That wireless communications facilities are allowed in an Office & Light Industrial (OLI) zoning district only upon the issuance of a Special Permit by the Planning Board.
- F11.** That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F12.** That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.
- F13.** That the Applicant proposes to extend the existing ninety nine foot (99') stealth monopole tower by twenty feet (20'), to a maximum of one hundred and nineteen feet (119') and co-locate a two-tier antenna array, concealed within the monopole tower, with associated wires and ground equipment.
- F14.** That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL. Pursuant to the original permit for the monopole, the structure is a "flagpole-style antenna" within which previously approved antenna arrays belonging to other wireless service providers are concealed.
- F15.** That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL.

- F16.** That said monopole tower was authorized under a previously issued Special Permit (SP 2008-10), as noted above in Finding #F3. That with respect to the capacity of the monopole tower to accommodate current antennas and future antennas as specified in Section 5.8.6.5, the applicant, through statement and illustrated in Exhibit #1, the monopole tower extension is designed and constructed to accommodate a total of two additional ten foot (10') apertures on the monopole tower for the Applicant's siting of additional antennas.
- F17.** That the Town of Grafton, through Section 5.8.3 of the ZBL, indicates preferences for locations of wireless facilities, and that these preferences are "intended as guidance for development of the application and for the Board's review but are not determining in any way."
- F18.** That the proposed facility is for the internally concealed installation of wireless communications antennas on the existing monopole tower on the Site (as noted in Finding # F3 of this Decision), and that a proposal of this type is the highest preference with regard to the list of preferred facility locations in Section 5.8.3 of the ZBL.
- F19.** That with regard to requirements of Section 5.8.4.a. of the ZBL calling for certain information in a report prepared by a professional or radio frequency (RF) engineer regarding the design of the facility, the Applicant submitted such report (Exhibit #14 referenced in this Decision) in response to the requirements of said Section. The Board further finds that said submittal satisfies the requirements of Section 5.8.4.a of the ZBL.
- F20.** That with regard to Section 5.8.4.b., regarding the submission of a Site Justification or Appropriateness Statement, including a description of the narrowing process that eliminated other potential sites, the Applicant submitted the materials, referenced as Exhibit #14 of this Decision, to address said requirement. The Board also finds that during the public hearing the Applicant further explained their statements regarding the appropriateness of this proposal, and that the Applicant also noted that this type of proposal (co-location) was highest on the list of Site Selection Preferences in the ZBL, and that this does satisfy the requirement.
- F21.** That with regard to Section 5.8.4.c., the facility as proposed by the Applicant is less than 200' in height, and this does satisfy the requirement.
- F22.** That with regard to Section 5.8.4.d., concerning the submission of support materials (as described further in said Section) regarding structures of similar or greater elevation, the Applicant noted in referenced Exhibit #14 that the proposal is to co-locate on an existing monopole tower and is therefore not applicable. The Planning Board further finds the materials submitted and presented satisfies the submittal requirement of Section 5.8.4.d.
- F23.** That with regard to Section 5.8.4.e., concerning a plan for a "balloon" test, the Applicant submitted such report (referenced as Exhibit #9, Exhibit#13, Exhibit #14(d) of this Decision) in response to the requirements of said Section. The Board further finds that said submittals satisfy the requirements of Section 5.8.4.e of the ZBL.
- F24.** That with regard to Section 5.8.4.f., the Applicant submitted a statement (referenced as Exhibit #14) indicating how the proposal meets, in the opinion of the applicant, the intents and purposes identified in subsection 1 of Section 5.8 of the ZBL. The Planning Board further finds the materials submitted and presented satisfies the submittal requirement of Section 5.8.4.f.

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- F25.** That with regard to Section 5.8.4.g. of the ZBL, the Applicant submitted the required materials for facilitating notification of the public hearing on the application, and that said requirement is satisfied.
- F26.** That with regard to Section 5.8.4.h. of the ZBL (submittal of required funds for the purpose of engaging the services of a recording secretary / stenographer), the Applicant noted in referenced Exhibit #1 that as the proposal is for co-locating on an existing monopole tower and that a waiver is requested from this provision.
- F27.** That with regard to Section 5.8.6.1, the Applicant submitted a statement (referenced as Exhibit #14) indicating that the proposed facility will continue to comply with the setback requirements and that there would be no additional structural changes made to the existing monopole tower outside the scope of proposed work as depicted in Exhibit #14.
- F28.** That with regard to Section 5.8.6.2, referenced Exhibit #14 of this Decision demonstrates that the Applicant will comply with the required setbacks to the nearest residential structure.
- F29.** That with regard to Section 5.8.6.3, referenced Exhibit #14 of this Decision demonstrates there will be no additional lighting installed on the existing monopole tower or the proposed equipment shelter.
- F30.** That with regard to Section 5.8.6.4, said Section requires towers for wireless communications facilities to be of monopole tower or similarly unimposing design. The Board also finds that the proposed facility, as described in this Application, utilizes an existing monopole tower structure and that no new structure or modifications to said structure, other than described herein, are proposed by this Application. The Board further finds with regard to Section 5.8.6.4 that the Applicant, based upon the materials and information submitted and presented, demonstrated to the Board that the proposed extension of the existing stealth monopole tower and internally concealed co-location of the two-tier antenna array will have minimal visual impact, as required by said Section.
- F31.** That with regard to Section 5.8.6.5, that the Applicant is proposing to install a two-tier antenna array concealed within an existing monopole tower which already accommodates other antennas not owned or operated by the Applicant. The Board further finds that the facility proposed by this Application (i.e., co-location of antennas on an existing monopole tower with other existing antennas) is consistent with the intent of the requirements of Section 5.8.6.5.
- F32.** That with regard to Section 5.8.6.6 (interference to signals), the Applicant stated in referenced Exhibit #14 of this Decision that the Applicant will comply pursuant to the regulations of the FCC. The Board further finds that this is a By-Law criterion that survives after a facility is permitted and constructed.
- F33.** That with regard to Section 5.8.6.7, the Applicant stated in referenced Exhibit #14 of this Decision that the proposed antenna will be camouflaged with treatment deemed acceptable by the Board, and the plans therein show the existing tower will be extended in the form of two ten-foot tall concealment “canisters” for enclosing the new antennas, which canisters have the same diameter as the existing concealment below them; moreover, that the antennas, being concealed, are not required to be colored. The existing tower was approved as a “flagpole-style” tower, which the Board finds means its color should remain consistent with

the color of a flagpole. The Board further finds that the Applicant is proposing to extend the existing monopole and concealment features and that this requirement is satisfied.

- F34.** That with regard to Section 5.8.6.8, said Section requires that related unmanned equipment and/or other buildings shall not be more than twelve feet (12') in height. The Board finds that the plans and written information submitted by the Applicant (referenced as Exhibit #14) propose the installation of associated wires and ground equipment to be located within the existing communications equipment compound. The Board finds this requirement is satisfied.
- F35.** That with regard to Section 5.8.6.9, based upon the information submitted by the Applicant (referenced as Exhibit #14) and presented during the public hearing (Finding #F10) the proposed facility will comply with the requirements that all utilities proposed to serve the facility shall be installed underground. The Board finds this requirement is satisfied.
- F36.** That with regard to Section 5.8.6.10, based upon the information submitted by the Applicant the proposed facility will comply with the requirements that dish antennas shall be no more than 6 ft in diameter and panel antennas shall be no more than 5 ft in height. The Board finds that the information submitted by the Applicant (referenced as Exhibit #14), there will be no installation of a dish antenna and the proposed panel antennas will be fully concealed, requiring no determination on the height of the panel antennas. The Board finds this requirement is satisfied.
- F37.** That with regard to Section 5.8.6.11, the Applicant stated (referenced as Exhibit #14) that the Applicant shall not install any advertising at the facility and will only install the signage required by governmental regulation and for security and ownership identification. The Board finds this requirement is satisfied. The Board further finds that this is a By-law criterion that survives after a facility is permitted and constructed.
- F38.** That with regard to Section 5.8.6.12, the Applicant stated (Exhibit #14) that this requirement (distance from water supply) is not applicable as the proposal is to co-locate on an existing monopole tower. The Board finds this requirement is satisfied.
- F39.** That with regard to Section 5.8.6.13, the Applicant stated (Exhibit #14) that this requirement (landscaping) is not necessary as the proposal is to co-locate on an existing monopole tower, and the wooded area sufficiently screens the facility from nearby properties. The Board finds this requirement is satisfied.
- F40.** That with regard to Section 5.8.5.a, "how well the use and proposal meet all required conditions and specifications of the bylaw", and except as otherwise noted within this Decision, the proposal does meet several of the required conditions and specifications of the By-law, most notably the highest preference with regard to facility location on an existing communications tower (monopole), and that co-location of antennas by modification of the existing tower as proposed by this Application is less imposing than construction of a new support structure.
- F41.** That with regard to Section 5.8.5.b, the Board further finds that the facility proposed by this Application (i.e., co-location of antennas on the existing monopole tower as proposed in the plans and materials submitted) is the highest preference with regard to facility location as listed in Section 5.8.3 of the ZBL, and this requirement is satisfied.

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- F42.** That with regard to Section 5.8.5.c., and based upon the Findings stated within this Decision, the proposal does have minimal visual impact on the surrounding area.
- F43.** That with regard to Section 5.8.5.d, the proposed facility, by virtue of its design as presented in the Exhibits stated within this Decision, minimizes the visual impact within a one-quarter mile (1,320') radius.
- F44.** With regard to Section 1.5.5(a), that based on the plans submitted with the Application, ingress and egress to the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, is adequate.
- F45.** With regard to Section 1.5.5(b), that off-street parking is adequate. The Board further finds with regard to Section 1.5.5(b) that the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district are satisfactory.
- F46.** With regard to Section 1.5.5(c), that refuse collection or disposal and service areas are satisfactory.
- F47.** With regard to Section 1.5.5(d), screening and buffering of the proposed facility is adequate.
- F48.** With regard to Section 1.5.5(e), and based upon Finding #F27 and #F35 of this Decision, the Board finds that there is sufficient evidence that signage and exterior lighting, with respect to glare, traffic safety, economic effect, is compatible and in harmony with properties in the district.
- F49.** With regard to Section 1.5.5(f), required yards and other open space, the Board finds that this is not applicable to the proposal to co-locate on an existing monopole tower.
- F50.** With regard to Section 1.5.5(g), the proposed facility, as presented to the Board, is generally compatible with adjacent properties and other properties in the district.
- F51.** With regard to Section 1.5.5(h), and based upon the Plans identified as Exhibit #14 of this Decision, the proposed facility will not have any significant adverse impact on any public or private water supply.
- F52.** With regard to Section 1.5.5(i), and based upon the Plans identified as Exhibit #14 of this Decision this Section is not applicable as the Site is not located in a Water Supply Protection Overlay District.
- F53.** With regard to Section 1.5.5(j), important historic, cultural and scenic landscapes are protected.
- F54.** This special permit application is in harmony with the general purpose and intent of the ZBL.
- F55.** The special permit application, if granted, would not create a nuisance, hazard or congestion.
- F56.** The special permit application, if granted, would not cause substantial harm to the neighborhood.
- F57.** The special permit application, if granted would not derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

#### **IV. WAIVERS**



- W1. At their meeting of March 9, 2020, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Robert Hassinger, seconded by Justin Wood) voted 5-0 to **DENY** the Applicant's request for a waiver from Section 5.8.4.e of the Grafton Zoning By-law, as stated in EXHIBIT #1 of this Decision, regarding the requirement for a "balloon test" and stenographer. The Board noted that the Applicant had conducted the balloon test and provided for the services of the stenographer, prior to the March 9, 2020 meeting, which may have effectively withdrawn the waiver request.

## V. DECISION

At their meeting of March 9, 2020, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Robert Hassinger, seconded by Justin Wood) voted 5-0 to **APPROVE** the Eligible Facilities Request, Special Permit and Site Plan Approval with the following conditions:

- C1. Unless modified by this Decision, the facility shall be constructed as shown on, and be maintained to conform to, the plans and materials identified within the Exhibits referenced in this decision.
- C2. In accordance with the requirements of Section 5.8.6.7 of the Grafton Zoning By-law, the proposed concealment shall match the existing concealment and monopole tower in terms of color, including without limitation, the dual "canisters" enclosing the antennas and the cable shroud.
- C3. As per Grafton Zoning By-law Section 5.8.9, if the facility is abandoned or no longer operable, it shall be removed within six (6) months of its abandonment.
- C4. Prior to the issuance of a Building Permit for the installation of any component of the project as demonstrated in Exhibits #1 & #14, the Applicant shall submit a bond (in an amount to be determined by the Planning Board and agreed upon by the Applicant), or other arrangement satisfactory to the Board, to cover any and all expenses associated with any work resulting from the enforcement of Section 5.8.9 of the ZBL (noted in Condition #3 of this Decision).
- C5. Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Special Permit decision.
- C6. Failure to comply with the requirements of Section 5.8 of the Grafton Zoning By-law (or as modified by this Decision), as well as all applicable Federal, State and local regulations, shall cause this Special Permit to be invalid.
- C7. This Special Permit is specifically for the installation of a two-tier antenna array concealed within the monopole tower as extended to 119', associated wires and ground equipment within the existing equipment compound as described in this Decision and presented in referenced Exhibits #1 & #14. Any modification to the facility approved by this Decision, such as described in Section 5.8.8 of the ZBL, shall require a determination by the Planning Board as to whether the proposed modification(s) are substantial in nature and of public

concern. The Planning Board may, upon its determination, require a new Special Permit or Modification of this Special Permit if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Special Permit decision.

- C8.** Due to the sensitive area and based on prior conditions imposed by the Board, the fuel for the backup power generator shall be propane or natural gas. Submitted Plans shall be modified accordingly and submitted to the Board for endorsement, prior to issuance of a building permit for the proposed work.
- C9.** This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period.
- C10.** A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C11.** By recording this Special Permit decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
- C12.** Any inability or failure or refusal by the applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

## **VII. RECORD OF VOTE**

<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

## **DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Christopher J. McGoldrick, Town Planner

3/18/2020  
\_\_\_\_\_  
Date

cc: Applicant  
• Board of Assessors  
• Building Inspector

**To Whom It May Concern:** This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Kandy Lavalley, Town Clerk

\_\_\_\_\_  
Date